

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

McWane, Inc.	:	
	:	
Plaintiff,	:	Case No. C-1-00-986
	:	
v.	:	Judge Herman J. Weber
	:	
Fidelity and Deposit Company of Maryland,	:	
	:	
Defendant.	:	

**JOINT MOTION FOR ENTRY OF JUDGMENT ON OFFER  
PURSUANT TO FED. R. CIV. P. 68**

Pursuant to Fed. R. Civ. P. 68, Plaintiff McWane, Inc. and Defendant Fidelity and Deposit Company of Maryland (F&D) move the Clerk of Court to enter judgment against Defendant F&D for the sum of \$500,801.94, together with court costs to date, which are currently in the amount of \$255.00. The grounds for this motion are set forth in the attached memorandum.

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**MEMORANDUM**

On July 23, 2004, F&D served an Offer of Judgment on McWane pursuant to Fed. R. Civ. P. 68. A copy of the Offer of Judgment is attached hereto as Exhibit A. F&D granted McWane an extension until August 23, 2004 to respond to the Offer of Judgment. On August 5, 2004, McWane accepted F&D's Offer of Judgment. A copy of the Acceptance is attached hereto as Exhibit B.

In accordance with Fed. R. Civ. P. 68, the parties request that the Clerk of Courts enter judgment based upon the Offer and Acceptance in the amount of \$500,801.94 plus court costs to date, which are currently in the amount of \$255.00.

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